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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/806,196

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Chiaki Matsuzaka

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EXAMINER

RASHID, DAVID

ART UNIT

PAPER NUMBER

2624

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/806,196	<b>Applicant(s)</b> MATSUZAKA, CHIAKI	
	<b>Examiner</b> David P. Rashid	<b>Art Unit</b> 2624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/23/2004</u> | 6) <input type="checkbox"/> Other: ____  |

### **DETAILED ACTION**

All of the examiner's suggestions presented herein below have been assumed for examination purposes, unless otherwise noted.

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d) (Application # JP2003-098043, filed 6/23/2004), which papers have been placed of record in the file.

#### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character not mentioned in the specification: "901"
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

4. MPEP §201.13 II G states “An applicant may incorporate by reference the foreign priority application by including, in the U.S. application-as-filed, an explicit statement that such specifically enumerated foreign priority application or applications are “hereby incorporated by reference.” The statement must appear in the specification. See 37 CFR 1.57(b) and MPEP §608.01(p).” – it is suggested to incorporate by reference the foreign priority application by including an explicit statement in the specification.

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

6. The use of the trademark COMPACTFLASH has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### *Claim Objections*

7. The following is a quotation of 37 CFR 1.75(a):

The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

8. **Claims 1 – 11** are objected to under 37 CFR 1.75(a), as failing to conform to particularly point out and distinctly claim the subject matter which application regards as his invention or discovery.

- (i) Claims 1, 9, line 4 and claims 10, 11, line 5 cite "...and substantially losslessly." wherein use of the word "substantially" is indefinite since it lacks any real range or value to how "lossy" the first format is – it is suggested to either give a definite lossy degree (without the addition of new matter) or delete altogether as it will be interpreted as broadly as possible
- (ii) Claims 1, 9, line 4 and claims 10, 11, line 5 cite the word "losslessly" but it is unclear what in fact this word means – it is suggested to change to "lossless"

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. **Claim 1** is rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki et al. (US 5,719,624 A).

Regarding **claim 1**, Sasaki discloses an image processing method (FIG. 16; FIG. 17) for generating image data in a second format ("R", "G", "B" analog signals directed from element 508 in FIG.16 containing luminance and color signals from FIG. 17) from image data in a first

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format (“COMPRESSED DATA” in element 602 in FIG. 17), the image data in the first format including image data that is uncompressed or compressed and substantially losslessly (the compressed data is “substantially” lossless), obtained by digitizing signals output (FIG. 6, element 59) from an imaging device (FIG. 12, element 101), and the image data in the second format including a luminance signal (FIG. 17, element 604) and color signals (FIG. 17, element 605), the image processing method comprising the steps of:

selecting (FIG. 16, element 501) a processing module to be used from among a plurality of types of processing modules, based on image property information associated with the image data in the first format (FIG. 17, elements 602, 603; “...CPU 501 performs decoding (expansion) which corresponds to the compression algorithm written to the header part 208...” in Col.8, lines 58 – 61);

converting the image data in the first format into image data in a third format (FIG. 17, element 608, 609) that is different from the second format, using the processing module selected in the selecting; and

generating the image data in the second format (“R”, “G”, “B” analog signals directed from element 508 in FIG.16 containing luminance and color signals from FIG. 17) based on the image data in the third format.

Regarding **claim 2**, Sasaki discloses an image processing method according to claim 1, wherein in selecting, selection of a processing module (FIG. 16, element 501) for matching a bit depth (FIG. 15A, elements 302, 303) of the image data in the first format (“COMPRESSED DATA” in element 602 in FIG. 17) with a predetermined bit depth, based on the image property information, is included (FIG. 17, element 602; Col. 8, lines 58 – 64).

Regarding **claim 3**, Sasaki discloses an image processing method according to claim 1, wherein in selecting, based on the image property information, a processing module (FIG. 16, element 501) for converting the image data in the first format (“COMPRESSED DATA” in element 602 in FIG. 17) into a predetermined format, according to whether color filters (FIG. 15A, elements 301 wherein “KINDS OF COLOR FILTERS” would pertain to “complementary color filters and pure color filters” in Col. 3, lines 30 – 31) of the imaging device (FIG. 12, element 101) that has output the image data in the first format are primary color filters or complementary color filters is selected.

Regarding **claim 4**, Sasaki discloses an image processing method according to claim 1, wherein in selecting, based on the image property information, a processing module (FIG. 16, element 501) for converting the image data in the first format (“COMPRESSED DATA” in element 602 in FIG. 17) so that the image data has a predetermined aspect ratio (though “indispensable” (Col. 8, lines 58 – 64), it is still predetermined “in accordance” with an aspect ratio of pixels from the header) in accordance with an aspect ratio of pixels (FIG. 14, element 202) of the imaging device (FIG. 12, element 101) that has output the image data in the first format is selected.

Regarding **claim 5**, Sasaki discloses an image processing method according to claim 1, wherein in selecting, based on the image property information, a processing module (FIG. 16, element 501) for converting the image data in the first format (“COMPRESSED DATA” in element 602 in FIG. 17) into a predetermined format, in accordance with an arrangement of color filters (FIG. 14, element 206; FIG. 15A, element 304) of the imaging device (FIG. 12, element 101) that has output the image data in the first format is selected.

Regarding **claim 7**, Sasaki discloses an image processing method according to claim 1, wherein in selecting, based on the image property information, an expanding module for expanding the image data in the first format is selected (FIG. 17, element 602 wherein the specific module responsible for decoding compressed data will expand the image data in the first format – thus an “expanding module” has been “selected”; Col. 7, lines 5 – 8).

Regarding **claim 8**, Sasaki discloses an image processing method according to claim 1, wherein the image data in the third format is image data that does not depend on hardware characteristics of the imaging device (the disclosure of Sasaki does not teach that the third format is image data that depends on hardware characteristics of the imaging device 101).

Regarding **claim 9**, claim 1 recites identical features as in claim 9. Thus, references/arguments equivalent to those presented above for claim 1 are equally applicable to claim 9.

Regarding **claim 10**, claim 1 recites identical features as in the storage medium storing a control program/code (FIG. 16, element 501) of claim 10. Thus, references/arguments equivalent to those presented above for claim 1 are equally applicable to claim 10.

Regarding **claim 11**, claim 1 recites identical features as in the control program (FIG. 16, element 501) of claim 11. Thus, references/arguments equivalent to those presented above for claim 1 are equally applicable to claim 11.

11. **Claims 10 and 11** are also rejected under 35 U.S.C. 102(b) as being anticipated by the Intel 80386 microprocessor. Refer to MPEP SECTION 2106 (II) for “intended use”.



Regarding **claim 10**, the Intel 80386 microprocessor discloses a storage medium storing a control program for ... (all intended usage as it may perform the steps or may not as it is optional), said control program comprising:

code for ... (all intended usage as it may perform the steps or may not as it is optional).

Regarding **claim 11**, the Intel 80386 microprocessor discloses a control program for ... (all intended usage as it may perform the steps or may not as it is optional), said control program comprising:

code for ... (all intended usage as it may perform the steps or may not as it is optional).

### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al. (US 5,719,624 A) in view of Ishikawa et al. (US 5,260,733 A).

Regarding **claim 6**, while Sasaki discloses an image processing method according to claim 1, Sasaki does not teach wherein in converting, based on the image property information, converting a unit of a parameter of property information associated with the image data in the first format into a predetermined unit is included.

Ishikawa discloses a camera system (FIG. 1; FIG. 4) wherein converting, based on the image property information, converting a unit of a parameter of property information associated

with the image data in the first format into a predetermined unit is included ("APEX unit" in Col. 4, lines 53 – 55 such that the APEX units are the predetermined units that are converted by the two circuits to the microcomputer).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the converting step of Sasaki to include converting a unit of a parameter of property information associated with the image data in the first format into a predetermined unit (based on the image property information) as taught by Ishikawa "...to provide an external device which is able to give on or more functions to the camera or to alter functions provided beforehand in the camera.", Ishikawa, Col. 2, lines 5 – 8 and "...to provide a camera which does not need to provide all of functions required, in other words, which provides only functions essential to the camera.", Ishikawa, Col. 2, lines 1 – 4.

### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David P. Rashid whose telephone number is (571) 270-1578. The examiner can normally be reached Monday - Friday 8:30 - 17:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Werner can be reached on (571) 272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David P. Rashid/  
Examiner, Art Unit 2624

David P Rashid  
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Art Unit 2624

/Brian P. Werner/  
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